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EXAMINER

SOHN, SEUNG C

ART UNIT PAPER NUMBER

2878

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,094

Applicant(s)

LAUTENSCHLAGER ET AL.

Examiner

Seung C. Sohn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 13-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

3. The disclosure is objected to because of the following informalities:  
  
On Paragraph 0001, line 4, "have as" after "switches" doesn't make sense.  
  
On Paragraph 0009, line 10, "in" after "according to" should be removed  
  
On Paragraph 0019, line 3, "," after "uninstall" should be removed.  
  
On Paragraph 0020, line 1, "of the is" after "object" doesn't make sense.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 6-9 and 12 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **On claim 6**, line 2, "an optics module" is vague and confusing. Does this refer to "an optics module" in claim 1 or another optics module? Clarification is required. **Claim 6** also recites the limitation "the receiving means" in line 4. There is insufficient antecedent basis for this limitation in the claim. **Claims 7-9** are rejected based upon their dependencies of rejected claim 6. **Claim 12** recites the limitation "the two side walls" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-4, 6-8 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pidhirny et al. (Patent No. 5,786,586) in so far as understood.**

Referring to claim 1, Pidhirny et al. shows in Fig. 1 that an optoelectronic sensor device (10, i.e., optical reader) with a housing (12), wherein an optics module (15, inside of reader head) and an electronics module (34, i.e., an imaging device and 48, i.e., signal processing electronics) are located in the housing (Col. 4, lines 29-38).

**Referring to claims 2 and 19**, Pidhirny et al. shows a transmitter (38, i.e., light source), wherein the transmitter is located in a receptacle device (15, i.e., reader head) which is provided in the optics module (Col. 4, lines 39-43).

**Referring to claims 3 and 20**, Pidhirny et al. shows a receiver 34, i.e., imaging device), wherein the receiver is a component of the electronics module (Col. 4, lines 40-50).

**Referring to claim 4**, Pidhirny et al. discloses that the electronics module (48) has all electronic components necessary for operation of the optoelectronic sensor device (Col. 4, lines 50-56).

**Referring to claim 6**, Pidhirny et al. discloses that the housing (12) contains a receiver (34, i.e., an imaging device) and an optics module (15, inside of reader head), said optics module having an engagement device (40, i.e., retainer) by which the optics module is attached in the housing (12) by engagement of the engagement device in the receiving means (30, i.e., supporting member) (Col. 5, lines 11-13).

**Referring to claim 7**, Pidhirny et al. discloses that the receiving means and the engagement device comprises of pins (24, i.e., bayonet pins) (Col. 5, line 12).

**Referring to claim 8**, Pidhirny et al. discloses that the engagement device (40) is engaged in the receiving means (30) (Col. 5, lines 7-8).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. ***Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pidhirny et al. (Patent No. 5,786,586).***

Referring to claim 5, Pidhirny et al. discloses as above, but does not disclose that the electronics module comprises a flexible, foldable conductor film. It would have been obvious to one of ordinary skill in the art to provide a flexible, foldable conductor film in the device of Pidhirny et al. for the purpose of decreasing the size.

Referring to claim 9, Pidhirny et al. discloses that the housing has two side walls at an angle to one another and a light passage opening in one of the side walls, but does not disclose that wherein the engagement device of the optics module is adapted to enable the optics module to be installed in the housing in at least two different orientations which correspond to an alignment of the optics module relative to the light passage opening. It would have been obvious to one of ordinary skill in the art to provide a moving optics module in the device of Pidhirny et al. for the purpose of enlarging the field of view of the optical reader.

10. ***Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pidhirny et al. (Patent No. 5,786,586) in view of Walter (Patent No. 4,568,827).***

Referring to claim 10, Pidhirny et al. discloses as above, but does not disclose that the optics module is pivotally mounted in the housing for rotation around a longitudinal axis thereof. Walter shows in Fig. 1 that the optics module (12, i.e., second housing part) is pivotally mounted in the housing (11, i.e., first housing part) by a

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universal coupling (15) (Col. 3, lines 57-61). It would have been obvious to one of ordinary skill in the art to provide a universal coupling of Walter in the device of Pidhirny et al. for the purpose of aligning relative each other in the desired manner (Col. 2, lines 1-3).

**Referring to claim 11**, Pidhirny et al. shows in Fig. 3 that the housing (12) has two side walls which are at an angle to one another, but does not disclose that wherein a light passage opening is provided in each of the side walls and the optics module is pivotally mounted in the housing enabling the optics module to be selectively aligned with either one of the two light passage openings. It would have been obvious to one of ordinary skill in the art to provide multiple light passage openings in the device of Pidhirny et al. for the purpose of reading data more easily.

**Referring to claim 12**, Pidhirny et al. shows in Fig. 3 that the housing (12) has two side walls which are at an angle to one another, and are connected to one another by a cylindrical sector-shaped wall section (Fig. 2, 20, i.e., transparent guide) having a continuous light passage opening; and wherein the optics module is pivotally mounted in the housing for positioning at any area of the light passage opening (Col. 5, lines 54-58).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Haas et al. (Patent No. US 4,021,665)** discloses a light beam switch unit.

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**F tzer (Patent No. US 4,346,293)** discloses an optical electronic distance sensor.

**Krauth (Patent No. US 4,727,260)** discloses a photo-electric scanning device.

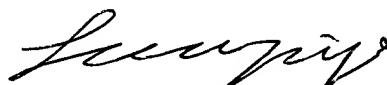
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung C. Sohn whose telephone number is (703) 308-4093. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SCS

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September 3, 2002

  
Kevin Pyo  
Primary Examiner